IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

SECOND APPEAL NO. 533 OF 2007

Bhanudas Natthuji Dehekar vs. Amol Lingdeorao Mone

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
NOVEMBER 19, 2007.

Heard Shri Bhalerao, learned counsel for the appellant – original defendant.

The challenge is to the concurrent judgments and decrees by which suit of present respondent – plaintiff for declaration and removing encroachment has been decreed. Shri Bhalerao has contended that respondent has not proved his title and also the area of property in his possession and therefore suit for removal of encroachment could not have been decreed. According to him, this is substantial question of law arising in this Second Appeal.

The perusal of appellate Court judgment reveals that the respondent produced his sale deed at Exh. 56 and he has also produced sale deed executed in favour of his vendor Husenshah at Exh. 72. The Court below

has found that Husenshah executed sale deed of Plot No.371 in favour of present respondent. The contention of the appellant that his plot is measuring 99' x 6” and its breadth is 21' from eastern side and 48.5' from eastern side is also considered and it has been found that dispute was in relation to East and West side of the plot which was in possession of present appellant. The Courts have also noticed that the present appellant has not produced any documentary evidence to show the extent of his plot and also to show that the land in question form property of government. These findings concurrently reached are based upon evidence and cannot be labelled as perverse. The present appellant had only produced permission given to him by Gram Panchayat for construction and the Courts below have also considered the said document at Exh. 83.

I find that no substantial question of law arises in this Second Appeal. The same is dismissed. No order as to costs.

JUDGE

*GS.